

**Iowa Department of Natural Resources
Environmental Protection Commission**

ITEM

11

DECISION

TOPIC

**Notice of Intended Action – Amend IAC 567 Chapter 105 – “Organic
Materials Composting Facilities”**

Attached for the Commission’s decision is a Notice of Intended Action to amend IAC 567—Chapter 105 “Organic Materials Composting Facilities.” This proposed rule revision is needed to address the increased use and awareness of livestock mortality composting by farmers as a management option. Also, there are other minor changes and corrections needed to update the chapter.

Composting methods to manage normal livestock mortalities are becoming more common. In the past year several variance applications have come into the Energy & Waste Management Bureau from farmers wishing to compost deads from multiple sites at one, centrally located facility. Such an activity requires a permit under the current rules.

The proposed revisions will eliminate the need for a permit to operate a centralized compost facility that is owned, operated, and serviced by a single farmer. Also, the revisions will provide well-defined operating parameters and allow Department compliance staff to more clearly enforce rule requirements for mortality composting.

Other proposed changes include updating appropriate sections to conform to the new 105.6, correcting for proper form number references, and making the Chapter more consistent with existing DNR policy.

Ken Bouma, Environmental Specialist
Energy & Waste Management Bureau
Environmental Services Division

December 23, 2005

ENVIRONMENTAL PROTECTION COMMISSION

Notice of Intended Action

Pursuant to the authority of Iowa Code sections 455B.304, 455D.7 and 455D.9, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Iowa Administrative Code 567-Chapter 105, “Organic Materials Composting Facilities.”

The proposed rule revision pertains to animal mortality composting and composting rule updates. The proposed rule revision is needed to address the increased use of composting by Iowa farmers as a means to manage dead livestock. This revision will add flexibility for farmers wanting to compost routine livestock mortalities from multiple sites at a centralized site, as well as aid compliance with the rules. Under the proposed rule revision, a farmer wishing to compost routine livestock mortalities from multiple sites would no longer be required to obtain a permit to do so. Additionally, further provisions are included in the rule to ensure proper livestock mortality composting methods are used, related sections were modified to conform to the revised mortality composting rules, references to DNR form numbers were updated and corrected, and the definition and filing of a “current cost estimate” were updated.

Any interested person may make written suggestions or comments pertaining to the proposed rule revisions on or before Wednesday, March 15, 2006. Such written materials should be directed to Ken Bouma, Energy & Waste Management Bureau, Iowa Department of Natural Resources, 502 East 9th Street, Wallace State Office Building, Des Moines, IA 50319-0034; fax (515) 281-8895 or ken.bouma@dnr.state.ia.us. Persons wishing to convey their views orally should contact Ken Bouma at (515) 281-7982.

When submitting comments, the Energy and Waste Management Bureau encourages stakeholders to utilize the following guidelines. These guidelines aid the Bureau in accurately understanding and creating a record of your input.

1. Include your mailing address and contact information.
2. Please state if you are submitting comments on behalf of a business, organization or as an individual.
3. Cite the specific rule(s) on which you are commenting.
4. Explain your views as clearly as possible by describing any assumptions, data, or technical information you utilized.

5. Provide specific examples to illustrate your concerns.
6. Offer alternative language that you think would improve the specific rule(s) and explain why.

A public hearing will be held on Wednesday, March 15, 2006 from 10:00 am to 12:00 pm in the Wallace Building Conference Room 5E, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rule.

Any persons who intend to attend the public hearing and have special requirements, such as hearing or mobility impairments, should contact the Department of Natural Resources to advise of special needs.

These rule revisions are intended to implement Iowa Code sections 455B.304, 455D.7 and 455D.9

The following amendments are proposed:

ITEM 1. Amend 567-105.1(2) “b” as follows:

b. Permit by rule. Yard waste composting facilities are exempt from having a permit if operated in conformance with 105.3(455B,455D) and 105.4(455B,455D). Composting of dead farm animals ~~generated on the same premises as the composting facility~~ is exempt from having a permit if operated in conformance with 105.3(455B,455D) and 105.6(455B,455D). Small quantity solid waste compost operations as defined in 105.5(455B,455D) are exempt from permitting if operated in conformance with 105.3(455B,455D) and 105.5(455B,455D).

ITEM 2. Amend subrule 105.3(3) as follows:

105.3(3) Measures shall be taken to prevent water from running onto the facility from adjacent land and to prevent compost leachate and runoff from leaving the composting facility. Runoff from the compost facility must be properly managed.

ITEM 3. Amend subrule 105.5(1) as follows:

105.5(1) *Acceptable materials and amounts.* Yard waste and food residuals may be received from off premises at a total rate of two tons or less per week for composting

either singly, in combination, or with agricultural waste. Any clean wood waste free of coating and preservatives may be used as a bulking agent. The two tons per week combined weight limit does not apply to bulking agent. However, the amount of bulking agent received must be appropriate for the amount of compostable materials received. Facilities composting over two tons of food residuals and yard waste per week in any combination from off premises must obtain a permit (Form 50A (542-1542A)) and adhere to the solid waste composting requirements stipulated in 105.7(455B, 455D) through 105.14(455B, 455D). If only agricultural wastes are collected and composted, this rule does not apply. If only yard wastes are collected and composted, this rule does not apply.

ITEM 4. Insert following into subrule 105.5 and amend as follows:

105.5(3) Signage. The facility shall have a permanent sign posted at the entrance specifying:

- a. Name of operation.
- b. Operating hours.
- c. Materials which are accepted or the statement “All materials must have prior approval.”
- d. Telephone number of 24-hour emergency contact person.

105.5(34) *Reporting.* An annual report for the previous fiscal year beginning July 1 and ending June 30 shall be submitted to the department by July 31 of each year. The report shall be submitted using Form 542-3276C, provided by the department, and all applicable sections of the form must be completed. These records shall be maintained by the facility for a period of three years for evaluation by the Department.

ITEM 5. Rescind subrule 105.6(455B, 455D) and insert the following as new 105.6 in lieu thereof:

567—105.6(455B, 455D) Specific requirements for composting of dead farm animals. Dead farm animal composting facility operators are encouraged to be trained, tested, and certified by a Department approved certification program upon approval of such a program by the Department. Composting of dead farm animals is exempt from having a permit if the following operating requirements are met and the facility is in

compliance with 105.3(455B, 455D). Businesses or individuals, that are neither the owner nor operator of one or more of the sites where deads are generated, wanting to compost dead farm animals must obtain a permit in accordance with 105.8 (455B, 455D).

105.6(1) Before commencing operation, the operator shall notify the Department field office with jurisdiction over the facility.

105.6(2) Farm animals known or suspected to have died from an infectious disease that can be spread by scavengers or insects or that died from a reportable disease shall be disposed of in accordance with the requirements of the Iowa Department of Agriculture and Land Stewardship and the Department.

105.6(3) Transportation vehicles shall be constructed to prevent spillage of liquids and the most direct haul route shall be utilized.

105.6(4) No dead farm animal compost operation shall accept carcasses from a site outside of a twenty (20) mile radius from the compost facility.

105.6(5) The compost facility shall be designed to accommodate at least 5% of the total annual animal units, as defined in IAC 567-Chapter 65.1, and the appropriate amount of bulking agent required in 105.6(6).

105.6(6) Dead farm animals shall be incorporated into the composting process within 24 hours of death. A two (2) foot base and one (1) foot cover layer of bulking agent around carcasses shall be maintained at all times to control leachate and odors, and to prevent access by scavenging domestic and wild animals.

105.6(7) Dead farm animals shall not be removed from composting until all soft tissue is fully decomposed. Full decomposition may not occur for six (6) months to one (1) year depending on weather conditions.

105.6(8) Compost (including bones that have not fully decomposed) shall be applied to cropland in a manner that minimizes the runoff into a water of the state. Application of the compost to lands other than cropland shall require prior approval by the Department.

ITEM 6. Reference to application Form 50 in 105.7(8) needs to reflect the proper form number. Amend subrule 105.7(8) as follows:

105.7(8) *Request for and approval of permit renewal.* Requests for permit renewals shall be in writing and must be filed at least 90 days before the expiration of the current permit and submitted on a Form 50A to the Department. The Department may request

that additional information be submitted for review in order to make a permit renewal decision. Comprehensive plan update requirements are satisfied through the information provided in the permit renewal application submittal and by compliance with the reporting requirements set forth in 105.12(455B,455D). If a solid waste composting facility is formally part of a planning area's integrated waste management system, the operator must participate in that area's plan update submittals. The Department shall renew the permit if, after a review and inspection of the facility and its compliance history, the Department finds that the facility is in compliance with its current permit and these rules. If the facility is found not to be in compliance with its current permit and these rules, then the sanitary disposal project shall be brought into compliance, or placed on a compliance schedule approved by the Department, before the permit is renewed pursuant to 105.7(5).

ITEM 7. Amend subrule 105.8(1) as follows:

105.8(1) A permit application for a new facility shall include a completed Form 50A (542-1542A) and a map or aerial photograph.

ITEM 8. Amend subrule 105.8(2) by adding paragraph “g” as follows:

g. Proof of the applicant's ownership of the site and legal entitlement to use the site as a composting facility.

ITEM 9. Amend subrule 105.14(1) “b” as follows:

105.14(1) b. “*Current cost estimate*” means the cost estimate for 105.14(2), prepared and submitted to the Department ~~on an annual basis~~ at the time of application for a new composting facility permit and with each permit renewal thereafter by an Iowa-licensed professional engineer or other professional as approved by the Department.

ITEM 10. Amend subrule 105.14(2) as follows:

105.14(2) *Current cost estimate.* The current cost estimate shall be based upon ~~of~~ the following factors:

These rule revisions are intended to implement Iowa Code sections 455B.304, 455D.7 and 455D.9

Date

Jeffrey R. Vonk, Director

Administrative Rule Fiscal Impact Statement

Date:

Agency: Iowa Department of Natural Resources

IAC Citation: 567—IAC Chapter 105

Agency Contact: Ken Bouma (515) 281-7982

Summary of the Rule: The proposed revisions will eliminate the need for a permit to operate a centralized compost facility that is owned, operated, and serviced by a single farmer. Also, the revisions will provide well-defined operating parameters and allow Department compliance staff to more clearly enforce rule requirements for mortality composting. Other proposed changes include updating appropriate sections to conform to the new 105.6, correcting for proper form number references, and making the Chapter more consistent with existing DNR policy.

Fill in this box if the impact meets these criteria:

☒ No Fiscal Impact to the State.

☐ Fiscal Impact of less than \$100,000 annually or \$500,000 over 5 years.

☐ Fiscal Impact cannot be determined.

Brief Explanation: Composting methods to manage normal livestock mortalities are becoming more common. In the past year several variance applications have come into the Energy & Waste Management Bureau from farmers wishing to compost deads from multiple sites at one, centrally located facility. Such an activity requires a permit under the current rules. It is not possible to estimate a dollar value for this benefit to livestock growers, but it will not impact the State. However, it will save staff time in reviewing and visiting sites applying for variances.

Fill in the form below if the impact does not fit the criteria above:

☐ Fiscal Impact of \$100,000 annually or \$500,000 over 5 years.

* Fill in the rest of the Fiscal Impact Statement form.

Assumptions:

Describe how estimates were derived:

Estimated Impact to the State by Fiscal Year

	<u>Year 1 (FY)</u>	<u>Year 2 (FY)</u>
Revenue by Each Source:		
GENERAL FUND		
FEDERAL FUNDS		
Other (specify)		
TOTAL REVENUE	_____	_____
Expenditures:		
GENERAL FUND		
FEDERAL FUNDS		
Other (specify)		
TOTAL EXPENDITURES	_____	_____
NET IMPACT		

 X This rule is required by State law or Federal mandate.
Please identify the state or federal law:
These rules are required by 455B.304, 455D.7 and 455D.9.

 Funding has been provided for the rule change.
Please identify the amount provided and the funding source:

 Funding has not been provided for the rule.
Please explain how the agency will pay for the rule change:

Fiscal impact to persons affected by the rule:

These revisions will add flexibility for livestock growers wishing to handle and dispose of their own mortalities. It is not possible to estimate a dollar value for this benefit to farmers, but it will not impact the State.

Fiscal impact to Counties or other Local Governments (required by Iowa Code 25B.6):

These revisions will add flexibility for livestock growers wishing to handle and dispose of their own mortalities. It is not possible to estimate a dollar value for this benefit to farmers, but it will not impact State or Local Governments.

* If additional explanation is needed, please attach extra pages.

Agency Representative preparing estimate:
Telephone Number: Ken Bouma (515) 281-7982